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EXAMINER

BLACKMAN, ANTHONY J

ART UNIT

PAPER NUMBER

2676

17

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/408,716

Applicant(s)

MILLER ET AL.

Examiner

ANTHONY J BLACKMAN

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2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 January 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10,12-14,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10,12-14,16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 16.                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-10, 12-14 and 16-17 have been considered but are moot in view of the new ground(s) of rejection. Examiner respectfully disagrees with applicant's interpretation of MARTZ, US Patent No. 5,986,673 utilized as the primary reference. In fact, after further consideration and review of related prior art, the interpretation of MARTZ has been expanded because MARTZ discloses a second visual representation of the original cluster, described as a hot spot ( illustrated in figure 8, column 11, lines 2-10). However, MARTZ does not expressly teach highlighting the second visual/hot spot, even though MARTZ discloses colorization to provide differentiation between cluster information. In support of MARTZ, LOKUGE, US Patent No. 6,252,597 , discloses cluster selection, highlighting and expansion. Initially, LOKUGE selects, highlights and expands a cluster, while any previously expanded cluster is deselected and contracted (column 4, lines 1-21). Further description of LOKUGE discloses that the clusters may be expanded as a ripple effect displaying different levels of information hierarchy. Still further, description of LOKUGE discloses that a cluster may also be embedded within a list; and a list may be embedded within a cluster. The clusters that may be emebded within a list reads upon an association with the hot spot means of MARTZ as both inventions disclose a second visualization/expansion of a cluster. Therefore, LOKUGE suggests that if a selected and highlighted cluster may be expanded, then the expanded cluster is subject

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to further highlighting, while the previously selected, highlighted and expanded cursor is deselected and contracted, and so on, not only providing further cluster selection, highlighting and expansion, but also a means for comparison between selected clusters (different hierarchical levels of displayed information). Accordingly, examiner maintains utilization of MARTZ as primary reference and adds LOKUGE as secondary reference reading upon claims 1-10, 13-14 and 16-17 making this office action NON-FINAL. Finally, examiner interprets MARTZ to anticipate claim 12 after further consideration and review.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over MARTZ, US Patent No. 5,986,673 in view of LOKUGE, US Patent No. 6,252,597.

4. Consider claim 1. MARTZ discloses a method of interactively displaying a set of records and their associated attributes (abstract, lines 1-3, column 1, lines 19-20, figure 7, column 6, lines 33-34 and 45-53), comprising:

defining a set of graphic images, wherein each graphic image represents a range of

values (column 2, lines 49-66, column 3, lines 6-43, column 10, line 55 to column 11,

line 10);

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generating a first surface map with (1) graphic images, representing attributes associated with each record in the set, arranged along a first dimension (figure 1, column 2, lines 49-66), and (2) the records, represented by a collection of graphic images, arranged along a second dimension (figure 1, column 2, lines 49-66, column 11, lines 11-18 and figures 9-10);

generating a second visual representation of a plurality of records in the set (figure 8, column 10, line 66 to column 11, line 10);

receiving input from a user selecting a subset of the records from the first surface map (figure 8, column 10, line 66 to column 11, line 10); however, does not expressly teach altering the second visual representation to highlight the selected subset, even though (please note column 6, lines 54-61 and figures 1-5 and 11) MARTZ discloses differing data presentation, LOKUGE suggests altering the second visual representation to highlight the selected subset (column 4, lines 1-21, column 7, lines 34-48). It would have been obvious to one skilled in the art at the time of the invention to utilize graphical user interface that provides scalable information structure (abstract, lines 1-2) and also discloses clusters that may be selected, highlighted and expanded (column 4, lines 1-21), as taught by LOKUGE, to modify the means for data display and analysis of information in a two-dimensional or three dimensional format (abstract, lines 1-3) for cluster analysis allowing for display analysis of objects using multiple parameters (abstract, lines 7-9) of MARTZ. Further description of LOKUGE discloses that the clusters may be expanded as a ripple effect displaying different levels of information hierarchy. Still further, description of LOKUGE discloses that a cluster may also be

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embedded within a list; and a list may be embedded within a cluster. Because the clusters may be embedded within a list that reads upon an association with the hot spot means of MARTZ, and since both inventions disclose a second visualization/expansion related directly to cluster analysis, both inventions share similar technological environments. Therefore, LOKUGE suggests that if a selected and highlighted cluster may be expanded, then the expanded cluster is subject to further highlighting, while the previously selected, highlighted and expanded cursor is deselected and contracted, and so on, not only providing further cluster selection, highlighting and expansion, but also a means for comparison between selected clusters (different hierarchical levels of displayed information). Further still, LOKUGE discloses interactive methods of manipulation of displayed and tiered contents by various means including differentiation by shading, highlighting, font size or shape, scale, texture, sound, indentation and with inclusion of animation or video information (column 7, lines 34-48). The interactive manipulation of the cluster display provides modification to MARTZ so that the user may manipulate means of identification and analysis of cluster displays.

5. Consider claim 2, The modified MARTZ discloses the method of claim 1, further, MARTZ discloses wherein the graphic images are color coded blocks (column 3, lines 26-43, column 7, lines 11-13, and observe figures 3, 5-7, and 9-10).

6. Consider claim 3. The modified MARTZ meets limitations for claim 1, however, does not expressly teach or suggest wherein the second visual representation is a galaxy view. Even though MARTZ suggests means of a galaxy view (column 4, lines 19-36). MARTZ does not expressly discuss a second visual representation of a galaxy

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view or a cluster view display. LOKUGE suggests the aforementioned limitation, wherein the second visual representation is a galaxy view (column 4, lines 1-21).

7. Consider claim 4. The modified MARTZ meets limitations for claim 1 including wherein the records are ordered into groups (column 1, lines 5-11, 48-51, column 2, lines 49-66).

8. Consider claim 5. The modified MARTZ meets limitations for claim 1 where the groups are ordered based on statistical correlation (figures 1-2, column 1, lines 19-47).

9. Consider claim 6. The modified MARTZ meets limitations of claim 1, further MARTZ discloses wherein the order of the display of the attributes associated with the records is based on statistical correlation (figures 1-2, column 1, lines 19-47).

10. Consider claim 7. The modified MARTZ meets limitations of claim 1, further MARTZ discloses wherein the order of the display of the attributes associated with the records is based on cluster analysis (figures 1-2, column 1, lines 19-47).

11. Consider claim 8. The modified MARTZ meets limitations of claim 1, and further comprising analyzing an index to determine if one or more of the records in the selected subset is shown in the second visualization (column 10, line 66 to column 11, line 10 and figure 8).

12. Consider claim 9. The modified MARTZ discloses the method of claim 1, additionally, MARTZ further comprises the generation of a dendrogram to indicate relationships between records (figures 1-2, column 1, lines 19-47).

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13. Consider claim 10. The modified MARTZ meets limitations for claim 3, including determining text based identification of the record represented in the selected portion of the first surface map (figure 8, column 10, line 66 to column 11, line 10). and displaying the text based information (figure 8, column 10, line 66 to column 11, line 10).

***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

15. Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by MARTZ, US Patent no. 5,996,673.

16. Consider claim 12. MARTZ discloses a computer-implemented method of interactively displaying records and their corresponding attributes (abstract, lines 1-3, column 1, lines 19-20, figure 7, column 6, lines 33-34 and 45-53), comprising;



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providing a surface map representing a set of records (figure 8, column 2, lines 49-66, column 10, line 66 to column 11, line 10);

linking the surface map to a set of views/hot spots (column 2, lines 49-66, figure 8, column 10, line 66 to column 11, line 10), wherein at least one of the views comprises a visual representation of a plurality of the records in the set (column 2, lines 49-66, figure 8, column 10, line 66 to column 11, line 10);

receiving an input signal selecting a portion of the surface map (column 2, lines 49-66, figure 8, column 10, line 66 to column 11, line 10); and

indicating, in a view linked to the surface map, at least one of the records corresponding to the selected portion (column 2, lines 49-66, figure 8, column 10, line 66 to column 11, line 10).

17. Claims 13-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over MARTZ, US Patent No. 5,986,673 in view of LOKUGE, US Patent No. 6,252,597.

18. Consider claim 13. MARTZ discloses a method of interactively displaying a set of records and their corresponding attributes (abstract, lines 1-3, column 1, lines 19-20, figure 7, column 6, lines 33-34 and 45-53), comprises;

defining a set of graphic images, wherein each graphic image represents a range of values (column 2, lines 49-66, column 3, lines 6-43, column 10, line 55 to column 11, line 10);

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generating a three-dimensional surface map with (1) each record in the set arranged along a first dimension (figure 1, column 2, lines 49-66), (2) graphic images, representing attributes associated with the records, arranged along a second dimension (figure 8, column 10, line 66 to column 11, line 10), and (3) the values associated with the attributes arranged along a third dimension (figures 8-9, column 10, line 55 to column 11, line 18);

generating a second visual representation of a plurality of the records in the set (figure 8, column 10, line 66 to column 11, line 10);

receiving input from a user selecting a subset of the records on the surface map (figure 8, column 10, line 66 to column 11, line 10);

analyzing an index to determine if the selected subset is shown in the second visual representation (figure 8, column 10, line 66 to column 11, line 10); however, does not expressly teach altering the second visual representation based on the input, when the selected subset is shown in the second visual representation. LOKUGE suggests altering the second visual representation based on the input, when the selected subset is shown in the second visual representation (column 4, lines 1-21, column 7, lines 34-48).

It would have been obvious to one skilled in the art at the time of the invention to utilize graphical user interface that provides scalable information structure (abstract, lines 1-2) and also discloses clusters that may be selected, highlighted and expanded (column 4, lines 1-21), as taught by LOKUGE, to modify the means for data display and analysis of information in a two-dimensional or three dimensional format (abstract, lines 1-3) for

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cluster analysis allowing for display analysis of objects using multiple parameters (abstract, lines 7-9) of MARTZ. Further description of LOKUGE discloses that the clusters may be expanded as a ripple effect displaying different levels of information hierarchy. Still further, description of LOKUGE discloses that a cluster may also be embedded within a list; and a list may be embedded within a cluster. Because the clusters may be embedded within a list that reads upon an association with the hot spot means of MARTZ, and since both inventions disclose a second visualization/expansion related directly to cluster analysis, both inventions share similar technological environments. Therefore, LOKUGE suggests that if a selected and highlighted cluster may be expanded, then the expanded cluster is subject to further highlighting, while the previously selected, highlighted and expanded cursor is deselected and contracted, and so on, not only providing further cluster selection, highlighting and expansion, but also a means for comparison between selected clusters (different hierarchial levels of displayed information). Further still, LOKUGE discloses interactive methods of manipulation of displayed and tiered contents by various means including differentiation by shading, highlighting, font size or shape, scale, texture, sound, indentation and with inclusion of animation or video information (column 7, lines 34-48). The interactive manipulation of the cluster display provides modification to MARTZ so that the user may manipulate means of identification and analysis of cluster displays.

19. Consider claim 14. The modified MARTZ meets limitations of claim 13, including wherein the three-dimensional surface map may be rotated in any of the three

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directions. Further, MARTZ teaches rotations of all three dimensions (column 6, lines 8-13).

20. Consider claim 16. MARTZ discloses an apparatus for interactively displaying a set of records and their associated attributes (abstract, lines 1-3, column 1, lines 19-20, figure 7, column 6, lines 33-34 and 45-53) comprising;

at least one memory having program instructions (please refer to figures 11a and 11b both illustrating steps/instructions, column 4, line 60 to column 5, line 15, column 6, lines 45-54, column 10, line 55 to column 11, line 10 and lines 19-25); the steps/instructions include decision-making. It would have been obvious that the process of decision making includes at least one memory along with the computer interactive techniques); and at least one processor configured to execute the program instructions/steps to perform the operations of: (please refer to figures 11a and 11b both illustrating steps/instructions, column 4, line 60 to column 5, line 15, column 6, lines 45-54, column 10, line 55 to column 11, line 10 and lines 19-25. The steps/instructions include decision-making. Further, it is obvious that a relational database is a computerized process including processor(s) and memory, column 6, lines 1-13). It would have been obvious that the process of decision making includes at least one processor/computer; defining a set of graphic images (figure 8), wherein each graphic image represents a range of values (figure 8, column 10, line 66 to column 11, line 10); generating a first surface map with the records of the set arranged along a first dimension and graphic images (figure 1, column 2, lines 49-66), representing attributes

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associated with the records, arranged along a second dimension (figure 1, column 2, lines 49-66, column 11, lines 11-18 and figure 9-10);  
generating a second visual representation of a plurality of the records in the set (figure 8, column 10, line 66 to column 11, line 10);  
receiving input from a user selecting a subset of records from the first surface map (figure 8, column 10, line 66 to column 11, line 10); and  
analyzing an index to determine if one or more records in the selected subset are shown in another view (figure 8, column 10, line 66 to column 11, line 10); however, do not expressly teach altering the second visual representation based on the input, when one or more records in the selected subset are shown in another view. LOKUGE suggests altering the second visual representation based on the input, when one or more records in the selected subset are shown in another view (column 4, lines 1-21, column 7, lines 34-48).

It would have been obvious to one skilled in the art at the time of the invention to utilize graphical user interface that provides scalable information structure (abstract, lines 1-2) and also discloses clusters that may be selected, highlighted and expanded (column 4, lines 1-21), as taught by LOKUGE, to modify the means for data display and analysis of information in a two-dimensional or three dimensional format (abstract, lines 1-3) for cluster analysis allowing for display analysis of objects using multiple parameters (abstract, lines 7-9) of MARTZ. Further description of LOKUGE discloses that the clusters may be expanded as a ripple effect displaying different levels of information hierarchy. Still further, description of LOKUGE discloses that a cluster may also be

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embedded within a list; and a list may be embedded within a cluster. Because the clusters may be embedded within a list that reads upon an association with the hot spot means of MARTZ, and since both inventions disclose a second visualization/expansion related directly to cluster analysis, both inventions share similar technological environments. Therefore, LOKUGE suggests that if a selected and highlighted cluster may be expanded, then the expanded cluster is subject to further highlighting, while the previously selected, highlighted and expanded cursor is deselected and contracted, and so on, not only providing further cluster selection, highlighting and expansion, but also a means for comparison between selected clusters (different hierarchical levels of displayed information). Further still, LOKUGE discloses interactive methods of manipulation of displayed and tiered contents by various means including differentiation by shading, highlighting, font size or shape, scale, texture, sound, indentation and with inclusion of animation or video information (column 7, lines 34-48). The interactive manipulation of the cluster display provides modification to MARTZ so that the user may manipulate means of identification and analysis of cluster displays.

21. Consider claim 17. MARTZ discloses an apparatus for interactively displaying a set of records and their associated attributes (abstract, lines 1-3, column 1, lines 19-20, figure 7, column 6, lines 33-34 and 45-53), comprising:

means for defining a set of graphic images (figure 8, column 10, line 66 to column 11, line 10), wherein each graphic image represents a range of values);

means for generating a first surface map with the records of the set arranged along a first dimension (figure 8, column 10, line 66 to column 11, line 10) and graphic images

(figure 8), representing attributes associated with the records, arranged along a second dimension (figure 1, column 2, lines 49-66, column 11, lines 11-18 and figures 9-10); means for generating a second visual representation of a plurality of the records from the set (figure 8, column 10, line 55 to column 11, line 10); means for generating a second visual representation of a plurality of records from the set (figure 8, column 10, line 55 to column 11, line 18); means for receiving input from a user selecting a subset of the records on the surface map (figure 8, column 10, line 55 to column 11, line 18); means for analyzing an index to determine if one or more records in the selected subset are shown in another view (figure 8, column 10, line 55 to column 11, line 18); however, does not expressly discuss means for altering the second visual representation based on the input, when one or more records in the selected subset are shown in the second visual representation. LOKUGE suggests means for altering the second visual representation based on the input, when one or more records in the selected subset are shown in the second visual representation (column 4, lines 1-21, column 7, lines 34-48).

It would have been obvious to one skilled in the art at the time of the invention to utilize graphical user interface that provides scalable information structure (abstract, lines 1-2) and also discloses clusters that may be selected, highlighted and expanded (column 4, lines 1-21), as taught by LOKUGE, to modify the means for data display and analysis of information in a two-dimensional or three dimensional format (abstract, lines 1-3) for cluster analysis allowing for display analysis of objects using multiple parameters (abstract, lines 7-9) of MARTZ. Further description of LOKUGE discloses that the

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clusters may be expanded as a ripple effect displaying different levels of information hierarchy. Still further, description of LOKUGE discloses that a cluster may also be embedded within a list; and a list may be embedded within a cluster. Because the clusters may be embedded within a list that reads upon an association with the hot spot means of MARTZ, and since both inventions disclose a second visualization/expansion related directly to cluster analysis, both inventions share similar technological environments. Therefore, LOKUGE suggests that if a selected and highlighted cluster may be expanded, then the expanded cluster is subject to further highlighting, while the previously selected, highlighted and expanded cursor is deselected and contracted, and so on, not only providing further cluster selection, highlighting and expansion, but also a means for comparison between selected clusters (different hierarchial levels of displayed information). Further still, LOKUGE discloses interactive methods of manipulation of displayed and tiered contents by various means including differentiation by shading, highlighting, font size or shape, scale, texture, sound, indentation and with inclusion of animation or video information (column 7, lines 34-48). The interactive manipulation of the cluster display provides modification to MARTZ so that the user may manipulate means of identification and analysis of cluster displays.

### ***Conclusion***

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J BLACKMAN whose telephone number is 703-305-0833. The examiner can normally be reached on FLEX SCHEDULE.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 703-308-6829. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-746-5731 for After Final communications.

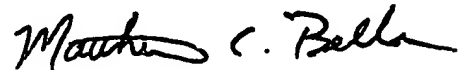
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



ANTHONY J BLACKMAN  
Examiner  
Art Unit 2676

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May 27, 2003



MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600